

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *Reg* — D.C.  
05 MAY 17 PM 3:26  
ROBERT D. DI TROLIO  
CLERK, U.S. DIST. CT.  
W.D. OF TENN.

UNITED STATES OF AMERICA  
upon the relation and  
for the use of the  
TENNESSEE VALLEY AUTHORITY  
Plaintiff

v.

Civil Action No. 05 2202 D-P

TREE-REMOVAL RIGHTS WITH  
RESPECT TO LAND IN FAYETTE  
COUNTY, TENNESSEE, WITH  
RESPECT ONLY TO AN  
UNDIVIDED 1/3 INTEREST

ELEANOR KENDALL-TIPTON  
Defendants

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**JUDGMENT AND ORDER DISBURSING FUNDS**

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This action came on to be considered, and it appears to the Court that the parties, as shown by the signatures below, have agreed to resolve this action as hereinafter provided.

It is, therefore, Ordered and Adjudged that:

1. The caption of this action is hereby changed to read as above (thereby using the undersigned Defendant's full first name).

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) FRCP on 5/19/05

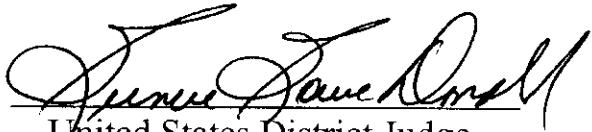
2. The Defendant shall recover of the Plaintiff \$367.67 as full compensation for the tree-removal rights herein condemned, which amount has been deposited by the Plaintiff with the registry of this Court in this action.

3. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on March 15, 2005, is hereby fully and finally confirmed with respect to the tree-removal rights described in Exhibit A attached hereto and made a part hereof.

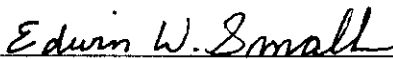
4. The Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the amount of \$367.67 payable to Eleanor Kendall-Tipton, in full satisfaction of this Judgment and Order Disbursing Funds (Judgment), and to mail said check to her at 2732 Highway 70 East, Jackson, Tennessee 38305.

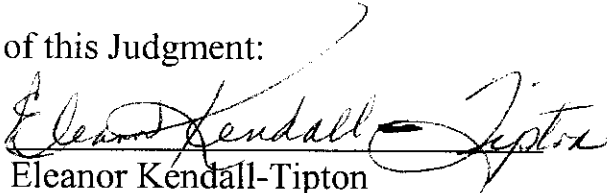
5. The Clerk of this Court shall furnish to the Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

Approved for entry.

  
United States District Judge

We hereby approve and consent to the entry of this Judgment:

  
Edwin W. Small  
Assistant General Counsel  
Tennessee Valley Authority  
400 West Summit Hill Drive  
Knoxville, Tennessee 37902-1401  
Telephone 865-632-3021  
Facsimile 865-632-6718  
Tennessee BPR No. 012347

  
Eleanor Kendall-Tipton  
2732 Highway 70 East  
Jackson, Tennessee 38305

Defendant

Attorney for Plaintiff  
003734252

## TRACT NO. SJCTG-10-CR

Tree-removal rights with respect to land, with respect only to an undivided 1/3 interest therein, located in Fayette County, State of Tennessee, and described in a deed recorded in Deed Book 449, page 33, in the office of the Register of Fayette County, Tennessee, which description is incorporated herein by reference and made a part hereof, said rights consisting of the perpetual right to remove, cut down, destroy, and/or otherwise dispose of any trees on said land which in falling could come within five feet of any transmission line structure or conductor (the structures and conductors being on and over adjacent land as hereinafter described). Plaintiff shall remain liable for any direct physical damage to said land and fences thereon resulting directly from operations by and on behalf of the Plaintiff in the exercise of said rights. The land affected by said tree-removal rights and the location of the transmission line on the adjacent land are shown on a map entitled "South Jackson-Cordova Tap to Gallaway Transmission Line," drawing LW-3093, sheet P14AA, R.2, which map is incorporated herein by reference and made a part hereof, with the portion of said map showing the affected portion of said land and the centerline of the transmission line location being attached to the Declaration of Taking filed herein, the location of the southwest corner of the property for the portion of the land affected by said rights and its location with respect to the centerline of the transmission line location on the adjacent land being more particularly described as follows:

TRACT NO. SJCTG-10-CR

The southwest corner of the land affected by the clearing rights is located at a point 110.16 feet right of the centerline of the transmission line location on the land of Edgar Grimes (tract No. SJCTG-9) at survey station 95+54.38, the said point being a common corner in the lands of Paul Tipton, et al., Edgar Grimes, and Setri L. Bowen, and located in the Hickory Withe Corporate Limits of the Seventh Civil District of Fayette County, State of Tennessee.

Recording Information: Defendant/landowner with respect to the undivided 1/3 interest as of the date of the filing of the Declaration of Taking – Defendant Eleanor Kendall-Tipton (Deed Book 449, page 33) (said Defendant is referred to in said deed and in the Declaration of Taking as "Ellie Kendall-Tipton"). Tax map 63, parcel 23.

**Receipt:**

Case 2:05-cv-02202-BBD-tmp

DocId: 317405 Filed 05/17/05 Page 5 of 6

Intake Clerk:

Receipt Number:

Receipt Date:

julia

M95029

05/16/2005

**United States District Court**

Western District of Tennessee

Western Division-Memphis  
167 N. Main, Room 242  
Memphis, TN 38103  
(901) 495 - 1200

Eastern Division-Jackson  
Room 262, 111 South Avenue  
Jackson, TN 38301  
(731) 421-9200

**COPY**

Received From:

TVA

**Cash:****Check:** \$184.34

Check Number:

**Credit:****Total Amount** \$184.34**Total Amount Paid:** \$184.34**Change:** \$.00**Receipt Details**

1 Registry  
Case Number 2:05CV2202

**Amount Owed:** \$184.34

400 WEST SUMMIT HILL DRIVE  
KNOXVILLE, TN 37902-1401

Total Lines: 1

**Total Amount: \$184.34**



## Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 2:05-CV-02202 was distributed by fax, mail, or direct printing on May 19, 2005 to the parties listed.

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Philip J Pfeifer  
TENNESSEE VALLEY AUTHORITY  
400 W. Summit Hill Dr.  
Knoxville, TN 37902--140

Edwin W. Small  
TENNESSEE VALLEY AUTHORITY  
400 W. Summit Hill Dr.  
Knoxville, TN 37902--140

Honorable Bernice Donald  
US DISTRICT COURT